

REMARKS BY GOVERNOR KIRK FORDICE PRESS CONFERENCE

FRIDAY, FEBRUARY 16, 1996

- It has been no secret that Attorney General Mike Moore and I seriously disagree on the question of whether the litigation he recently filed against a number of tobacco companies and small business people in Mississippi is in the best interest of our state. The Attorney General filed this suit claiming to represent the Division of Medicaid and other named plaintiffs. Despite the fact that this state agency is "the Division of Medicaid in the office of the Governor"* I was never consulted by the Attorney General prior to his filing of this lawsuit. I found out about it like you did, from press reports.
- Today I have directed attorneys for the office of Governor to file suit in the Mississippi Supreme Court to challenge the Attorney

*Miss. Code Ann. §43-13-105

General's representation of the Division of Medicaid. This is not an attempt to take the side of the tobacco companies. Instead, it is simply an attempt to stop an improper action by our state's Attorney General.

- The people of Mississippi have elected me their Governor. I take my responsibilities very seriously. One of my constitutional and statutory duties is to oversee the Division of Medicaid in the Office of the Governor. This state agency is, among other things, responsible for the recovery of medical assistance payments made to Medicaid recipients. Therefore, the Attorney General does not have the authority to initiate legal proceedings to recover such funds without my consent.
- One of the most important principles of democratic government is the balance of power between constitutional officers. That balance should be respected by all of those who are involved. Apparently, the Attorney General does not respect this principle. I believe that the Governor and the Attorney General should

work together to protect all Mississippians, however, this relationship is not possible when he does not even offer the courtesy of consultation prior to the filing of such a serious lawsuit.

- There are statutory and constitutional provisions which we believe allow us to file this case in the Mississippi Supreme Court. The purpose of this lawsuit is to have our state's highest court decide this matter of great concern to the public interest.
- I oppose the Attorney General's lawsuit not only because it is improper under our state's laws, but also because I firmly believe that this irresponsible action has the potential to seriously damage our efforts to attract jobs to our state and create a business climate that will produce them. Today the bad guys are said to be the tobacco companies. However, that is not the real issue here. If this lawsuit is successful, I have little doubt that similar ones will follow against makers of other legally available products. Who will be next? The

proverbial floodgates will certainly open and a progressive, pro-business reputation that we have carefully nurtured will be ruined. I cannot stand idly by and let this happen.

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